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By: **Delegate Simmons**

Introduced and read first time: February 3, 2003

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Prevention of Harassment and Intimidation in Public Schools**

3 FOR the purpose of declaring the intent of the General Assembly; defining a certain  
4 term; prohibiting certain students from harassing or intimidating another  
5 student; requiring certain individuals to report incidents under certain  
6 circumstances; authorizing a county board of education to establish a  
7 harassment and intimidation prevention program for certain individuals;  
8 requiring a county board of education and the Baltimore City Board of School  
9 Commissioners to incorporate certain policies in its training program; requiring  
10 the county board to include certain information in its harassment and  
11 intimidation policy; requiring the State Board of Education to establish a model  
12 policy and adopt regulations; requiring a county board to publish the  
13 harassment and intimidation policy in certain publications; and generally  
14 relating to the prevention of harassment and intimidation in public schools.

15 BY adding to  
16 Article - Education  
17 Section 7-304.1  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 7-304.1.

24 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS A GESTURE  
25 OR A WRITTEN, VERBAL, OR PHYSICAL ACT THAT:

26 (1) IS REASONABLY PERCEIVED AS BEING MOTIVATED BY AN ACTUAL  
27 OR PERCEIVED CHARACTERISTIC, INCLUDING RACE, COLOR, RELIGION, ANCESTRY,  
28 NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, MENTAL, PHYSICAL OR  
29 SENSORY DISABILITY, OR ANY OTHER DISTINGUISHING CHARACTERISTIC; AND

1 (2) TAKES PLACE ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR  
2 EVENT, OR ON A SCHOOL BUS.

3 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN THE ENACTMENT OF  
4 THIS SECTION TO:

5 (1) PROMOTE THE IMPORTANCE OF A SAFE AND CIVIL ENVIRONMENT  
6 FOR STUDENTS TO ACHIEVE IN SCHOOL;

7 (2) DISCOURAGE DISRUPTIVE CONDUCT; AND

8 (3) PREVENT HARASSMENT AND INTIMIDATION OF STUDENTS IN  
9 PUBLIC SCHOOLS.

10 (C) (1) A STUDENT IN A PUBLIC SCHOOL IN THE STATE MAY NOT HARASS OR  
11 INTIMIDATE ANOTHER STUDENT.

12 (2) AN EMPLOYEE OF A LOCAL SCHOOL SYSTEM OR STUDENT WHO  
13 WITNESSES OR HAS REASON TO BELIEVE THAT A STUDENT HAS BEEN SUBJECTED TO  
14 HARASSMENT OR INTIMIDATION SHALL REPORT THE INCIDENT TO THE  
15 APPROPRIATE SCHOOL OFFICIAL AS DESIGNATED BY THE COUNTY BOARD.

16 (3) A COUNTY BOARD MAY ESTABLISH HARASSMENT AND INTIMIDATION  
17 PREVENTION PROGRAMS FOR AN EMPLOYEE OF A LOCAL SCHOOL SYSTEM,  
18 ADMINISTRATOR, VOLUNTEER, STUDENT, PARENT, AND LOCAL LAW ENFORCEMENT.

19 (4) A COUNTY BOARD SHALL INCORPORATE THE BOARD'S POLICY ON  
20 HARASSMENT AND INTIMIDATION IN THE BOARD'S EMPLOYEE TRAINING PROGRAM.

21 (D) A COUNTY BOARD SHALL ADOPT A POLICY THAT PROHIBITS A STUDENT  
22 FROM HARASSING OR INTIMIDATING ANOTHER STUDENT ON SCHOOL PROPERTY, AT  
23 A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS.

24 (E) A COUNTY BOARD SHALL INCLUDE THE FOLLOWING INFORMATION IN  
25 THE POLICY:

26 (1) A STATEMENT PROHIBITING HARASSMENT OR INTIMIDATION OF A  
27 STUDENT;

28 (2) THE DEFINITION OF HARASSMENT AND INTIMIDATION AS DEFINED  
29 UNDER SUBSECTION (A) OF THIS SECTION;

30 (3) A DESCRIPTION OF THE TYPE OF BEHAVIOR EXPECTED FROM A  
31 STUDENT;

32 (4) PENALTIES OR APPROPRIATE REMEDIAL ACTION FOR A STUDENT  
33 WHO VIOLATES THE HARASSMENT POLICY;

34 (5) THE PROCEDURE FOR REPORTING INCIDENTS OF HARASSMENT OR  
35 INTIMIDATION;

1           (6)     THE PROCEDURE FOR INVESTIGATING REPORTS OF INCIDENTS OF  
2 HARASSMENT OR INTIMIDATION;

3           (7)     THE PROCEDURE THAT A PUBLIC SCHOOL MUST FOLLOW IN  
4 RESPONSE TO A REPORT OF HARASSMENT OR INTIMIDATION;

5           (8)     A STATEMENT PROHIBITING RETALIATION OR REPRISAL AGAINST AN  
6 INDIVIDUAL WHO REPORTS AN ACT OF HARASSMENT OR INTIMIDATION;

7           (9)     THE METHOD FOR PROVIDING NOTICE OF THE HARASSMENT AND  
8 INTIMIDATION POLICY TO EMPLOYEES OF A LOCAL SCHOOL SYSTEM, STUDENTS,  
9 AND PARENTS; AND

10          (10)    PENALTIES FOR AN INDIVIDUAL WHO HAS FALSELY ACCUSED A  
11 STUDENT OF HARASSING OR INTIMIDATING ANOTHER STUDENT.

12   (F)     A COUNTY BOARD SHALL PUBLISH THE HARASSMENT AND INTIMIDATION  
13 POLICY IN A PUBLICATION THAT CONTAINS SCHOOL POLICIES AND IN A STUDENT  
14 HANDBOOK.

15   (G)   (1)     ON OR BEFORE DECEMBER 31, 2003, THE STATE BOARD SHALL  
16 ESTABLISH A MODEL POLICY TO ASSIST A COUNTY BOARD IN DEVELOPING THE  
17 HARASSMENT AND INTIMIDATION POLICY.

18          (2)     THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO  
19 CARRY OUT THE PROVISIONS OF THIS SECTION.

20   (H)     AN INDIVIDUAL WHO REPORTS AN INCIDENT OF HARASSMENT OR  
21 INTIMIDATION IS IMMUNE FROM ANY CIVIL LIABILITY ARISING FROM THE SCHOOL'S  
22 FAILURE TO REMEDY THE REPORTED INCIDENT.

23   (I)     THIS SECTION MAY NOT BE CONSTRUED TO PREEMPT THE ABILITY OF  
24 THE STATE TO BRING A CHARGE FOR A VIOLATION UNDER § 3-803 OF THE CRIMINAL  
25 LAW ARTICLE.

26   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2003.